

BEFORE THE AMERICAN ARBITRATION ASSOCIATION
(hereafter “AAA”)
The North American Court of Arbitration for Sport/AAA Panel

United States Anti-Doping Agency
(hereafter “USADA”)

Claimant

and

Floyd Landis
(hereafter the “Athlete”)

Respondent

Interlocutory Award no 3
regarding the Motion for Continuance
and the Motion concerning the Second
request for Production of Documents
presented by Respondent

Case No: 30 190 00847 06

APPEARANCES

Claimant: Richard Young, Esq.; Mathew Barnett, Esq.

Respondent: Maurice Suh, Esq.; Howard Jacobs, Esq.; and, James C. Ho, Esq.

Athlete: Floyd Landis

UCI: No appearance

USA Cycling, Inc.: No appearance

WADA	No appearance
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WE, THE UNDERSIGNED ARBITRATORS, having been designated by the above named parties and having been duly sworn and having duly heard the proofs and allegations of the parties MAKE THIS INTERLOCUTORY AWARD AS FOLLOWS:

A – PRODUCTION OF DOCUMENTS:

Background

1. On January 22nd 2007, the Respondent addressed a Second Request for Production of Documents to the Claimant.
2. On January 24th 2007, the Parties expressed their disagreements regarding discovery issues in their respective position papers on preliminary matters.
3. On February 2nd 2007, the Panel issued its first Order of Procedure which ordered that:
 - The Claimant produce all documents responsive to the Respondent's Request for Documents by February 7th 2007 or file detailed explanations as to why no documents were provided;
 - The Respondent filed its reply to explanations provided by the Claimant by February 12th 2007.
4. On February 7th 2007, the Claimant produced its Response to Respondent's Second Request for Production of Documents.
5. On February 13th 2007, after having obtained an extension from the Panel for the filing of its reply, the Respondent filed its Response to USADA's, WADA's and LNDD's Refusal to provide Discovery necessary to fairly adjudicate this case.
6. On February 22nd 2007, the Panel heard submissions by the Parties at a Hearing held in Los Angeles and continued the following day by telephone conference call.
7. On March 3rd 2007, the Respondent filed a supplement to its Response to USADA's, WADA's and LNDD's Refusal to provide Discovery necessary to fairly adjudicate this case.
8. On March 3rd 2007, the Claimant provided detailed supplementary information on specific discovery items contained in Respondent's Second Request for Documents.
9. On March 13th 2007, the Panel requested an immediate response from the Claimant with respect to section C of the Respondent's Document Request.
10. On March 13th 2007, the Claimant filed its Response with respect to section C of the Respondent's Document Request.
11. On March 15th 2007, the Panel issued Procedural Order no 2 which, amongst

other things:

- Ordered that the Claimant file a privilege log by March 23rd 2007;
 - Confirmed agreements reached by the Parties during the course of the February 22nd Hearing.
12. On March 23rd 2007, the Panel circulated its Draft Ruling on the Second Request for Document Production.
 13. On March 30th 2007, the Claimant responded to the Panel's Draft Ruling on the Second Request for Document Production.
 14. On April 5th 2007, the Respondent responded to the Panel's Draft Ruling on the Second Request for Document Production.
 15. On April 11th 2007, the Respondent requested the production of specific documents.
 16. On April 23rd 2007, the Respondent gave notice to the Panel that Claimant had not yet produced all documents it had agreed to provide, and that Respondent was still awaiting the Panel's final Ruling on the Second Request for Documents.
 17. On April 25th 2007, the Panel ruled on the Respondent's request for the production of specific documents dated April 11th 2007.
 18. On May 7th 2007, the Claimant filed its Response to Respondent's Motions for (1) Continuance of Arbitration Date and (2) Ruling and Immediate Order on the Second Request for Production of Documents.

Ruling

19. The Panel considers that the last discovery issue should be resolved on May 9th 2007 when LNDD provides Respondent with the additional chromatograms for the previous Isotope Ratio Mass Spectrometry ("IRMS") positives declared by LNDD.
20. The Respondent should advise the Panel by May 10th 2007 at noon, Pacific Time, if those documents have not been provided.

B – REQUEST FOR CONTINUANCE:

Background

1. On April 23rd 2007, Respondent addressed the Panel to request a continuance of the hearing to a date no less than four (4) weeks from the date they receive the data from the EDFs' testing.
2. On April 24th 2007, the Panel denied the Request for Continuance.
3. On May 7th 2007, Respondent filed a Renewed Motion for Continuance.
4. On May 7th 2007, the Claimant filed its Response to Respondent's Renewed Motion for Continuance.

Ruling

The Panel denies the Respondent's Motion for Continuance.

Written reasons will follow at a later date.

DATED this 8th DAY of MAY 2007.

For the Panel

IN _____

Patrice Brunet, Esq.
Chairman

IN _____

Prof. Richard H. McLaren, C.Arb Esq.

IN _____

Christopher L. Campbell, Esq.